

General Laws of the State of Texas, passed at the regular session of the Thirtieth Legislature and approved April 12, 1907, also relating to the same subject, so as to further define what banks or banking institutions may become State depositories, and providing for the advertising of bids for the safe keeping and the payment of the deposits of said funds; and further regulating such depositories, repealing all laws in conflict with this Act, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

PETITIONS AND MEMORIALS.

By Senators Ward, Lattimore, Bryan and Vaughan:

Petitions numerously signed by citizens of their respective districts asking the Legislature to change the present laws so as to eliminate Sunday fairs, shows, races, hunting, fishing, games, sports and excursions.

By Senators Adams and Jackson:

Petitions numerously signed by citizens of their respective districts asking the Legislature to amend Acts of 1905, page 318, or to enact legislation to allow commissioners courts of the several counties to make contracts with county attorneys for the collection of delinquent taxes and to allow them the same fees for collection as are permitted to others.

By Senators Peeler, Hume, Warren, Kauffman, Sturgeon, Adams.

Petitions numerously signed by citizens of their respective districts asking support of the following Senate bills:

Senate bill making it a misdemeanor for a person to give a check on a bank when the person has no money in said bank to meet the check on presentation.

Senate bill imposing a special tax on persons who sell so called bankrupt and damaged stocks of merchandise in towns other than their place of residence.

Senate bill amending the law as to peddlers by specially defining a peddler.

Senate bill giving mortgagee the right to inspect mortgaged property at any time.

By Senator Lattimore:

Petition from the Teachers' Insti-

tute of Nueces, Duval, San Patricio, and Aransas counties asking that the following laws be enacted:

Exempting school building bonds from exemption; providing for election of county school officers at a special election on a non-partisan ticket; providing for the election of county superintendents for longer term; making county superintendents compulsory in all counties of 2000 or more scholastic population; a law fixing salary of county superintendents high enough to guarantee best talent; a law providing a compulsory county school tax in lieu of the present State school tax.

By Senator Hudspeth:

Petition signed by the members of the El Paso county grand jury in session asking support of a measure authorizing El Paso county to issue bonds to establish a poor farm of its own.

Petition addressed to Lieutenant Governor Davidson unanimously signed by officers and employes of the Marshall and East Texas Railway Company protesting against the bill making it obligatory on railroads and other corporations to pay their employes twice each month.

By Senator McNealus:

Letter from the Secretary of the Board of Directors of the Dallas Chamber of Commerce advising that the latter body had adopted a resolution favoring legislation that will render void all hypothecation, sale or assignment of unearned wages.

By Senator Carter:

Petition unanimously signed by citizens of his district requesting support in defeating House bill No. 82.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, January 31, 1911.

Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.
Astin.

Bryan.
Carter.

Cofer.	Perkins.
Collins.	Ratliff.
Greer.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Peeler the same was dispensed with.

REGULAR ORDER.

The Chair called the regular order of business.

See Appendix for committee reports and petitions and memorials.

INVITATION TO ATTEND THE STOCK SHOW.

Senator Lattimore offered the following invitation:

Fort Worth, Tex., Jan. 30, 1911.
Hon. O. S. Lattimore, Senate Chamber, Austin, Texas.

Dear Sir: The officers and board of directors of the National Feeders' and Breeders' Show, through you, extend a cordial invitation to the members of the Texas Senate to attend the fat stock show to be held in Fort Worth March 13 to 18.

We respectfully suggest that the senate adjourn its sessions for two days during the fat stock show and its members come to Fort Worth. We can safely assure you that there will be nothing lacking in the way of entertainment.

May we ask that you bring this matter to the attention of the Senate.

Very truly yours,
NATIONAL FEEDERS' AND BREEDERS' SHOW,

B. C. Rhome, Jr.,
Secretary-Manager.

On motion of Senator Lattimore the invitation was accepted.

(Senator Peeler in the Chair.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Jan. 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following:

House Concurrent Resolution No. 20, requesting the Governor to return House bill No. 81 to the House for correction.

House bill No. 109, A bill to be entitled "An Act making it a misdemeanor to sell, give away or drink or permit to be sold, given away or drunk, spirituous, vinous or malt liquors, whether producing intoxication or not, in any bawdy house, disorderly house or assignation house; defining a bawdy house, a disorderly house, assignation house, providing a penalty for the violation of this Act, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Senator Peeler) had referred, after their captions had been read, the following House bills: House bill No. 109, referred to Judiciary Committee No. 2.

HOUSE CONCURRENT RESOLUTION NO. 20—ADOPTION OF.

The Chair (Senator Peeler) laid before the Senate

House Concurrent Resolution No. 20, requesting the Governor to return House bill No. 81 to the House for correction.

The resolution was read and, on motion of Senator Vaughan, was adopted.

BILLS AND RESOLUTIONS.

By Senator Townsend:

Senate bill No. 157, A bill to be entitled "An Act to amend the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, so as to add thereto after Article 1299, Article 1299a, regulating the presentation of requests for special instructions to the jury in

civil cases tried in district and county courts."

Read first time and referred to Judiciary Committee No. 1.

By Senator Carter:

Senate bill No. 158, A bill to be entitled "An Act to amend Chapter 49 of the Twenty-eighth Legislature, approved March 27, 1903, which is an Act to amend Title 58 of the Revised Civil Statutes relating to the subject of insurance, by adding thereto Chapter 5, embracing Article 3096aa, 3096bb, 3096cc, 3096dd, 3096ee, 3096ff, providing that no insurance contract shall be held void because of immaterial misrepresentations made in the application therefor, or in the contract of insurance, and providing conditions upon which a defense may be made upon the ground of misrepresentation in the application or in the contract, or in proof of death or loss, and providing the time within which such matters of defense may be pleaded, and making such contracts subject to the laws of this State; and prescribing the conditions upon which foreign insurance companies shall be permitted to do business in this State, and declaring an emergency."

Read first time and referred to Committee on Insurance, Statistics and History.

By Senators Watson and Ward:

Senate bill No. 159, A bill to be entitled "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to lease that portion of the railroad of the Pecos & Northern Texas Railway Company situated between Coleman, Texas, and Sweetwater, Texas, including the railway terminals and other property of the Pecos & Northern Texas Railway Company, now or hereafter situated in said cities of Coleman and Sweetwater, and until such lease shall be made to authorize the Pecos & Northern Texas Railway Company to contract with the Gulf, Colorado & Santa Fe Railway Company for the operation by the officers of the Gulf, Colorado & Santa Fe Railway Company of said railroad and other property for account of the Pecos & Northern Texas Railway Company."

Read first time and referred to Committee on Internal Improvements.

By Senators Watson and Ward:

Senate bill No. 160, A bill to be entitled "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase the railroads and all other property of The Concho, San Saba & Llano Valley Railroad Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado & Santa Fe Railway Company as part of its own line, with the right to extend the said road and to construct branches therefrom by amendment of its charter under the general laws of the State, person or persons, now or hereafter owning the said property to sell the same to the Gulf, Colorado & Santa Fe Railway Company, and until such purchase is made to authorize the Gulf, Colorado & Santa Fe Railway Company of the railroad and other properties of said other company."

Read first time and referred to Committee on Internal Improvements.

By Senator Townsend:

Senate bill No. 161, A bill to be entitled "An Act to amend Article 1317 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, regulating the manner of preparing and giving the charge of the court to the jury in civil cases tried in the district and county court, so as to provide that unintentional comment on the weight of the evidence, shall not be in error, when the court charges the jury that if he has commented upon same as it was not intentional, but through inadvertence, and the jury should disregard all such comments."

Read first time and referred to Judiciary Committee No. 1.

By Senator Weinert:

Senate bill No. 162, "An Act to amend Article 3619, Chapter 1, Title 77, of the Revised Civil Statutes of the State of Texas, relating to the partition of real estate by lot, and permitting the court in certain cases to direct partition otherwise than by lot, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senators Hume and Kauffman:

Senate bill No. 163, A bill to be entitled "An Act to create and es-

establish a criminal court in and for Harris county, Texas, and create a separate Criminal Judicial District to be composed of Harris county, Texas, to provide for the election, qualification, jurisdiction, duties, powers and compensation of a judge and clerk of said criminal court, and to provide for the election, qualification, powers and compensation of a District Attorney for said criminal district of Harris county, to provide for the appointment, qualification, powers, duties and compensation of assistant district attorneys for said criminal district, to provide for the appointment, powers, duties and compensation of deputy criminal district clerk, abolishing the Criminal District Court of Galveston and Harris counties in so far as the same embraces the county of Galveston, and giving and restoring to the district and county courts of Galveston county jurisdiction of felony and misdemeanor cases, and providing for the transfer of cases from the Criminal District Court of Galveston county to the district and county courts of said county, and to fix the terms of the criminal and district court of Harris county, and repealing all laws in conflict with this Act."

Read first time and referred to Committee on Judicial Districts.

By Senator Murray:

Senate bill No. 164, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office, with the approval of the Governor, to lease for mineral development purposes any of the islands, lakes and bays within tidewater limits, and the unsold public free school land and such of said land as may have been sold with the reservation of the minerals therein to the public free school fund; to repeal Title 71, Revised Civil Statutes of 1895, relating to mines and mining and Chapter 99, Act approved April 15, 1905, relating to the sale of mineral lands, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

(By unanimous consent after the morning call was concluded.)

By Senator Warren:

Senate bill No. 165, A bill to be entitled "An Act to create and establish a commission for revising, sys-

tematizing and reforming the laws of the State of Texas, and for the appointment of the members of said Commission to be known as 'The Commissioners for the Revision and Reform of the Laws of Texas,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said Commission, secretary and stenographer, to appropriate money therefor, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Willacy:

Senate bill No. 166, A bill to be entitled "An Act to provide for the location and establishment and maintenance of a State sanitarium for the treatment of persons suffering from tuberculosis, and to provide for the care and treatment of indigent consumptives, and making an appropriation therefor."

Read first time and referred to Committee on Public Health.

Morning call concluded.

TEMPORARY PAGE.

In view of the illness of one of the pages of the Senate, the Chair, Lieutenant Governor Davidson, by unanimous consent, authorized the appointment of Judson Francis, as a temporary page.

HOUSE JOINT RESOLUTION NO. 2. NO. 2.

The Chair (Senator Peeler) laid before the Senate, on second reading and special order for this hour,

Senate Joint Resolution No. 2, A joint resolution proposing an amendment to Article 16, Section 20 of the Constitution of the State of Texas, prohibiting the manufacture, sale, storage, barter, exchange and intra-State shipment within this State, except for medicinal, scientific and sacramental purposes, of intoxicating liquors, fixing the time for the election, directing the proclamation therefor, and making an appropriation to defray the expenses of such election.

The resolution was read and Senator Cofer asked that House Joint Resolution No. 2 be placed before the Senate in lieu of the Senate reso-

lution, in view of the joint rules, which provides for the consideration of House measures of same subject matter, in lieu of the Senate measure, when properly on the calendar.

The Chair laid before the Senate, on second reading,

House Joint Resolution No. 2, A joint resolution to be entitled "A resolution proposing to amend the Constitution of the State of Texas, by amending Article 16, Section 20, thereof by striking out and repealing said section, and substituting in lieu thereof a new Section 20, prohibiting the manufacture, sale, barter and exchange of intoxicating liquors, on and after the second Tuesday in January, A. D. 1912, within the State, except for medicinal, scientific and sacramental purposes, and providing that the Legislature of the State of Texas, shall at noon on the second Tuesday in January, A. D. 1912, by authority of this section, meet in session in the city of Austin and pass efficient laws to enforce this section; providing further, that this section shall not prevent any session of the Legislature from passing any law to enforce the same; and providing further, that all laws in force when this amendment is adopted, providing penalties for forfeitures in relation to the manufacture, sale or transportation of intoxicating liquors, shall remain in full force and effect until modified or repealed; fixing the time for the election for the adoption or rejection of said proposed constitutional amendment, directing a proclamation therefor and making certain provisions for said election and the ballots thereof, and method of voting; prescribing certain duties for the Governor of this State, and making an appropriation to defray the expenses of said election."

The resolution was read second time, and Senator Cofer offered the following amendment, which was read and adopted:

Amend the joint resolution by adding after the word "manufacture" and before the comma the words "for purposes of sale, barter or exchange," and then add after the comma and before the word "sale" in same line the words "and the."

TERRELL of Wise,
VAUGHAN.

Senators Cofer, Terrell of Wise and Vaughan offered the following amendment, which was read and adopted:

Amend resolution by adding in caption, line 23, page 1, between the word "manufacture" and the comma the words "for purposes of sale, barter or exchange," and then add after the comma and before the word "sale" in same line the words "and the."

Senator Cofer offered the following amendment:

Amend the resolution by striking out Section 2, beginning with line 25, page 2, and inserting in lieu thereof the following:

"Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors for members of the Legislature at an election to be held throughout the State of Texas on the fourth Saturday in July, being the twenty-second day thereof, A. D. 1911. At said election the vote shall be by official ballot, which shall have printed or written at the top thereof in plain letters the words "Official Ballot." Said ballot shall have also written or printed thereon the words "For Prohibition," and the words "Against Prohibition."

All voters favoring said proposed amendment shall erase the words "Against Prohibition," by making a mark through the same, and those opposing it shall erase the words "For Prohibition."

If a majority of the votes cast at said election shall be "For Prohibition" said amendment shall be declared adopted.

All the provisions of the general election laws as amended and in force at the time said election is held shall govern in all respects as to the qualifications of the electors, the method of holding such election, and in all other respects, as far as such election laws can be made applicable.

TERRELL of Wise,
Vaughan.

Senator Cofer offered the following amendment to the amendment:

Amend amendment by adding after word "adopted," line 16, the following: "If a majority of the vote shall be against Prohibition said amendment shall be lost and so declared."

TERRELL of Wise,
Vaughan.

The amendment to the amendment was adopted.

The amendment as amended was then adopted.

(Lieutenant Governor Davidson in the chair.)

Senator Watson offered the following amendment:

Amend the resolution by striking out of line 28, page 2, the words "July, being the twenty-second day thereof," and insert in lieu thereof the following: "June, being the twenty-fourth day thereof."

Senator Sturgeon moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—21.

Adams.	Meachum.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, McLennan.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

Nays—10.

Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

(President Pro Tem. Hudspeth in the chair.)

RECESS.

Pending discussion, on motion of Senator Terrell of McLennan, the Senate, at 12:50 o'clock p. m., recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

PERSONAL PRIVILEGE REMARKS.

Hon. A. B. Davidson, President of the Senate.

Sir: In view of what has happened upon this floor within the past few days, we crave the indulgence of the Senate for a few brief moments. In

the heat of debate, and through the clash of political ambitions, we have been led to do and say things that in our calm and deliberative moments we would have left undone and unsaid. This is true of ourselves, who, like the Publican of Sacred Writ, are willing to confess our sins. If the modern Pharisee sees fit to follow the lead of his ancient Biblical brother, that's the modern Pharisee's business.

Our records in this honorable body are open books, known and read of all men. We have voted and worked for every measure advocated by the prohibitionists of Texas, and here and now declare our intentions of continuing this policy during the remainder of our term of office.

In view of all this, and other matters that have gone before, Mr. President, we here and now request that the President of this Senate ignore us entirely in the making up of the reapportionment committees. Further, we want to say that we shall decline to serve on any of them should we be appointed. We have lived too long in Texas, our reputations for truth and honesty, Mr. President, are too well established for us to at this late day do anything that would give the least ground for the silly insinuation brought against us by inuendo by those with whom we have worked in the past.

With malice toward none, but with charity toward all, we make this statement. We shall represent our people before the committees of this body and shall insist that their rights be respected more thoroughly by this Senate than they were by a recent caucus held on Sunday, but further than this we will not go. If this be treason, make the most of it.

PERKINS,
CARTER.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Jan. 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following relating to the reception of Hon. C. N. Haskell of the State of Oklahoma:

The following have been appointed

on part of the House: Messrs. Hornby, Standifer and Mangum.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 21 REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following resolution:

House Concurrent Resolution No. 21, referred to Committee on State Affairs.

SIMPLE RESOLUTION.

By Senator Watson, by unanimous consent:

Whereas, The Hon. A. W. Houston, an honored ex-member of this Senate, is now in the gallery of the Senate; therefore be it

Resolved, That he be invited to address the Senate on the State of the Union now as compared to twenty-six years ago, when he retired to private life.

WATSON,
BRYAN.

The resolution was read and adopted.

The Chair appointed Senators Watson, Bryan and Real to escort ex-Senator Houston to the president's stand, who, after being introduced, addressed the Senate briefly.

HOUSE JOINT RESOLUTION NO. 2.

Action recurred on House Joint Resolution No. 2, the question being on the passage of the resolution to a third reading.

Pending discussion, Senator Weibert offered the following amendment:

Amend page 2, line 16, of the resolution by adding after the word "purposes," the following: "and except the manufacture of wine or beer containing less than three per cent alcohol for home or family use.

SIMPLE RESOLUTION.

By Senator Willacy:
Whereas, Ex-Lieutenant Governor

T. B. Wheeler is in the gallery; therefore, be it

Resolved, That he be invited to address the Senate.

The resolution was read and adopted, and the Chair (Senator Murray) appointed Senators Willacy, Meachum and Perkins to escort ex-Lieutenant Governor Wheeler to the president's stand, where, after being introduced, he addressed the Senate briefly.

(Lieutenant Governor Davidson in the chair.)

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Jan. 30, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 61, with amendments, amending the State Depository Law.

Respectfully

O. P. BASFORD,

Acting Chief Clerk, House of Representatives.

SENATE BILL NO. 61—HOUSE AMENDMENTS CONCURRED IN.

Senator Mayfield called up Senate bill No. 61, A bill to be entitled "An Act to amend Chapter 164 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-ninth Legislature, approved May 1, 1905, relating to a system of State, county and city depositories for State, county and city funds, as amended by Chapter 90, General Laws of the State of Texas, passed at the Regular Session of the Thirtieth Legislature, and approved April 12, 1907, also relating to the same subject; so as to further define what banks or banking institutions may become State depositories, and providing for the advertising of bids for the safe keeping and the payment of the deposits of said funds; and further regulating such depositories, repealing all laws in conflict with this Act, and declaring an emergency," with the following House amendment:

Amend Senate bill No. 61, line 23, page 5, by striking out the word "of" and insert the word "or."

On motion of Senator Mayfield, the Senate concurred in the above amendment by the following vote:

Yeas—29.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—2.

Greer. Johnson.

HOUSE JOINT RESOLUTION NO. 2.

Action recurred on House Joint Resolution No. 2, the question being on the amendment by Senator Weinert.

(Senator Murray in the chair.)

HOUSE CONCURRENT RESOLUTION NO. 5.

(By Unanimous Consent.)

Senator McNealus called up by unanimous consent, and the chair laid before the Senate,

House Concurrent Resolution No. 5, a resolution providing for the printing of the House bills.

The committee report, which provided that the resolution be not printed, was adopted.

The resolution was then adopted.

HOUSE JOINT RESOLUTION NO. 2.

Action recurred on House Joint Resolution No. 2, the question being on the amendment by Senator Weinert.

On motion of Senator Cofer, the amendment was tabled.

The resolution was then passed to third reading by the following vote:

Yeas—21.

Adams. Astin.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.
Meachum.	

Nays—8.

Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Watson.
Paulus.	Weinert.

Present—Not Voting.

Murray. Willacy.

Senator Cofer moved to reconsider the vote by which the resolution was passed to a third reading, and lay that motion on the table.

The motion to table prevailed.

REASON FOR VOTING.

I vote against submission because the majority of the Democrats of my district voted against it in the last primary. I promised the people of my district, when a candidate for the Senate, that I would follow the majority on this subject, and I shall keep faith with such promise.

PEELER.

Having promised, prior to my nomination and election, that I would be controlled in my vote upon submission by the result of the vote upon that question cast in my Senatorial district, and my district having voted against submission, I, therefore, vote "no" against the resolution.

If left free to act in this matter, I should at this time vote for the submission of the constitutional amendment, and would favor the earliest possible date for action upon the amendment, to the end that the turbulence and agitation caused by the injection of this issue into our politics and affairs generally may cease as quickly as possible. Personally, I have no faith in the virtues ascribed to State-wide prohibition, and shall oppose it.

HUME.

WEINERT.

Inasmuch as those favoring submission have earned the right to constitutionally submit an amendment to the people prohibiting the sale,

manufacture, etc., of alcoholic liquors, I desire to be recorded as present not voting.

WILLACY.

Having received my commission from the people of the Seventeenth District, and being a member of this body through their vote, and having promised that I should vote upon the question of submission in accordance with their voice at the primary, I vote "no."

KAUFFMAN.

Yielding again to the instructions of my district, as expressed in the July primary, and having promised to abide the decision of my district before said primary, and believing that a representative is always subservient to the wishes of his constituents—and I mean by that the people who commission him to represent them in this body—I vote "no" on the submission resolution.

HUDSPETH.

HOUSE CONCURRENT RESOLUTION NO. 21.

Senator Peeler, by unanimous consent, offered a committee report on House Concurrent Resolution No. 21, and called the resolution up for consideration, which was also by unanimous consent.

On motion of Senator Peeler, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

Yeas—29.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Greer. Perkins.

On motion of Senator Peeler, the committee report, which provided

that the bill be not printed, was adopted.

The Chair laid before the Senate House Concurrent Resolution No. 5, providing for a committee to arrange for entertainment of Governor Haskell when he addresses the joint session of the Legislature.

The resolution was adopted.

RECESS.

Senator Ratliff, at 7 o'clock p. m., moved that the senate recess until 10:01 o'clock tomorrow morning.

Senator Sturgeon moved that the Senate adjourn until 10 o'clock tomorrow morning.

Action recurred on the longest time first, and motion to recess was adopted.

AFTER RECESS.

The Senate was called to order pursuant to the time a recess was taken and was called to order by Lieutenant Governor Davidson.

SIMPLE RESOLUTION.

By Senator Willacy:

Whereas, Alec McNabb, one of the pages of the Senate, is ill with pneumonia, and

Whereas, The Senate is deeply interested in the welfare and health of the boys under our care; therefore, be it

Resolved, That the Senate provide a trained nurse to take care of said page until he is recovered, and

Resolved further, That the President of the Senate be and is hereby authorized to issue and approve warrants upon the contingent fund of the Thirty-second Legislature to defray the necessary expense incurred for the employment of said trained nurse.

VAUGHAN.

WILLACY.

The resolution was read and adopted.

FOURTH HOUSE MESSAGE.

Hall of House of Representatives,
Austin, Texas, Feb. 1, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 2, A bill to be entitled "An Act to amend Section 1 of Chapter LVII of the Acts of the Thirtieth Legislature entitled 'An Act to amend Sections 1, 12 and Section 20 of Chapter 128 of the Acts of the Twenty-sixth Legislature, entitled "An Act providing the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in certain counties, or in any subdivision of the said counties, so that when an election under said law shall be in favor of the stock law, that the certificate thereto shall be prima facie evidence of a compliance with the law to put same in force; also to provide for the punishment of any one violating the provisions of said act, and adding thereto Section 20a and Section 20b, and declaring an emergency,"' so as to place Brewster County under the provision of said chapter, and declaring an emergency."

House bill No. 23, A bill to be entitled "An Act creating the offense of pandering and to define and prohibit same; to provide for the punishment therefor, and providing what shall not be a defense, and declaring an emergency."

House bill No. 122, A bill to be entitled "An Act to provide that the commissioners court of any county may, and prescribing how the commissioners court of any county within this State may on their own motion establish and maintain an agricultural and experiment farm and station within their county. Also prescribing the terms and conditions upon and by which a certain per cent of the qualified voters of any county may cause an election to be held in such county to determine whether or not an agricultural experiment farm and station shall be established in such county under the terms and provisions of this act; prescribing how such agricultural experiment farm and station shall be established conducted and maintained and conferring certain authority upon the the commissioners court and county judge and defining their duties with reference thereto, and defining certain duties of the State Director of Experiment Stations; and declaring an emergency."

House bill No. 126, A bill to be entitled "An Act to amend Article 2939 of the Revised Statutes, and to provide that the twelfth day of October of each year shall be a State holiday, and shall be known as 'Columbus

Day,' and repealing Article 2939, and declaring an emergency.

Respectfully,

O. P. BASFORD,

Acting Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills:

House bill No. 2, referred to Committee on Stock and Stock Raising.

House bill No. 23, referred to Committee on Judiciary No. 2.

House bill No. 122, referred to Committee on Agricultural Affairs.

House bill No. 126, referred to Committee on State Affairs.

SENATE BILL NO. 79.

The Chair laid before the Senate, on second reading and pending business,

Senate bill No. 79, A bill to be entitled "An Act to provide for the establishment, organization and control of public high schools in the common school districts of Texas, making an appropriation for the teaching of agriculture, domestic economy and manual training in said high schools and in certain high schools already established, and declaring an emergency."

The bill having been read, Senator Murray offered the following amendment, which was read and adopted:

Amend by adding at end of Section 3, page 4, the following: "Provided nothing herein shall be construed as authorizing the board of trustees to set aside, directly or indirectly, or to use directly or indirectly, any part of the State available school fund in the establishment of the schools herein provided for."

Senator Terrell of Wise offered the following amendment, which was read and adopted

Amend the bill, lines 28 and 29, Section 8, page 5, all down to and including the word "officer," and insert the following: "The county superintendent, or county judge where there is no county superintendent, shall be ex-officio a member and chairman of the board of trustees."

TERRELL of Wise.

REAL.

Senator Terrell of Wise offered the

following amendment, which was read and adopted:

Amend the bill by striking out the word "five" wherever it appears in Section 4, page 4, and insert "four," and strike out the word "three" wherever it appears in Section 4 and insert "two."

REAL.

TERRELL of Wise.

Senator Terrell of Wise offered the following amendment, which was read and adopted:

Amend the bill, line 16, page 6, by inserting after the word "trustee," "except the county superintendent or the county judge," and strike out in line 30 all after the word "organize" down to the word "the" in same line.

TERRELL of Wise.

REAL.

Senator Terrell of Wise offered the following amendment, which was read and adopted:

Amend by adding after the word "trustee," line 1, page 7, the following: "Except the county superintendent or county judge."

REAL.

TERRELL of Wise.

Senator Collins offered the following amendment, which was read and adopted:

Amend by inserting after the word "school," in line 13, page 3, the following: "Provided, that not more than one such high school shall be established by State aid in any one county, till each county applying for such school has one established."

PERKINS.

RATLIFF.

COLLINS.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend page 4, lines 15 and 16 of the bill, by striking out all after the word "years" in line 15 down to and including the word "respectively," in line 16.

(President Pro Tem. Hudspeth in the chair.)

Senator Cofer offered the following amendment, which was read and adopted:

Amend by adding in line 18, page 5, the following: "Naming the county."

Bill read second time, and ordered engrossed.

On motion of Senator Ratliff, the constitutional rule requiring bills to

be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.

Absent.

Hume.

Vaughan.

Real.

(Senator Perkins in the chair.)

The bill was read third time, and

Senator Lattimore offered the following amendment:

Amend Section 14, page 7, by adding at the end of said section, line 16, the following: "The appropriations provided for in Section 3 of this act shall be paid to the treasurers or depositories of the several schools entitled thereto upon warrants drawn by the Comptroller of Public Accounts."

The amendment was read and adopted by the following vote:

Yeas—29.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Hudspeth.

Real.

Senator Townsend offered the following amendment:

Amend line 6, page 5, by adding after the word "trustees" the following: "Unless that by a majority vote of each county such authority shall be transferred to the commissioners court of such county, by an election which is hereby authorized to be held for such purpose on proclamation as other elections are authorized to be held."

The amendment was read and lost by the following vote:

Yeas—10.

Carter.	McNealus.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Mayfield.	Warren.

Nays—18.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Hume.	Ward.
Lattimore.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Hudspeth.	Terrell, McLennan.
Real.	

The bill was read third time and passed.

Senator Ratliff moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Feb. 1, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

House Concurrent Resolution No. 22, rescinding vote by which House bill No. 81 was passed.

Respectfully,

O. P. BASFORD,

Acting Chief Clerk, House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 20 SIGNED.

The Chair, Lieutenant Governor Davidson, gave notice of the signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

House Concurrent Resolution No. 20, requesting the Governor to return House bill No. 81 to the House for correction.

ADJOURNMENT.

Senator Cofer, at 11:23 o'clock a. m., moved that the Senate adjourn until 11:25 o'clock a. m. today, February 1.

The motion prevailed.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senators Bryan and Lattimore:
Petitions numerous signed by citizens of their respective districts asking the Legislature to change the present laws so as to eliminate Sunday fairs, shows, races, hunting, fishing, games, sports and excursions.

By Senators Terrell of McLennan, Townsend and Ward:

Petitions numerous signed by citizens of their respective districts asking support for the following Senate bills:

Senate bill making it a misdemeanor for a person to give a check on a bank when the person has no money in said bank to meet the check on presentation.

Senate bill imposing a special tax on persons who sell so called bankrupt and damaged stocks of merchandise in towns other than their place of residence.

Senate bill amending the law as to peddlers by specifically defining a peddler.

Senate bill giving mortgagee the right to inspect mortgaged property at any time.

By Senator Adams:

Petitions numerous signed by citizens of his district asking support of an act creating the office of State Inspector of Masonry.

By Senator Adams:

Petition numerous signed by cit-

izens of his district asking the Legislature to amend the present acts so as to grant the right to county commissioners courts to make contracts with county attorneys for the collection of delinquent taxes and to allow them the same fees for collection as are permitted to others.

By Senator Vaughan:

Petition numerously signed by voters of Titus County, Texas, asking the Legislature to amend the laws so as to forbid Sunday baseball games where money is received by the players or managers.

By Senator Paulus:

Petition numerously signed by members of the order of Sons of Hermann of Strasburg Lodge, No. 185, Nada, Texas, asking the Legislature to amend Section 10, Chapter 36, Acts of the Thirty-first Legislature.

COMMITTEE REPORTS.

(Majority Report.)

Committee Room,

Austin, Texas, January 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: A majority of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 9, A bill to be entitled "An Act to provide for the establishment and maintenance of five district schools for the education of white students in the agricultural, mechanical and domestic arts and sciences, to be located in the five districts as provided for in this act, and to make an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

Real, Chairman; Mayfield, Collins, Warren, Bryan, Sturgeon.

(Minority Report.)

Committee Room,

Austin, Texas, January 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 9, A bill to be entitled "An Act to provide for the establishment and maintenance of

five district schools for the education of white students in the agricultural, mechanical and domestic arts and sciences, to be located in the five districts as provided for in this act, and to make an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

Astin, Murray, Adams, Weinert.

Committee Room,

Austin, Texas, January 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

Senate bill No. 144, A bill to be entitled "An Act to amend Section 20 of Chapter 10 of an act of the Fourth Extraordinary Session of the Thirty-first Legislature entitled 'An Act to establish a prison system and declaring the policy of the State with reference thereto, etc.'"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WEINERT, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1911.

Hon. A. B. Davilson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

Senate bill No. 147, A bill to be entitled "An Act to amend Section 44 of Chapter 10 of an act of the Fourth Extraordinary Session of the Thirty-first Legislature, entitled 'An Act to establish a prison system, and declaring the policy of the State with reference thereto, etc.'"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WEINERT, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

Senate bill No. 23, A bill to be entitled "An Act to provide for the location and establishment at the East Texas Penitentiary at Rusk, Cherokee County, Texas, by the

Board of Prison Commissioners of the State Penitentiary, of a factory for the manufacture of cotton bagging, cotton sacks, cotton duck, cotton rope, cotton twine, and other cotton goods, for the employment of managing experts and of certain convicts in the operation of said factory, to make an appropriation therefor, and the repealing of all laws or parts of laws in conflict with this act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WEINERT, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

Senate bill No. 145, A bill to be entitled "An Act to amend Section 6 of an act of the Fourth Extraordinary Session of the Thirty-first Legislature entitled 'An Act to establish a prison system, and declaring the policy of the State with reference thereto, etc.'"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WEINERT, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

Senate bill No. 59, A bill to be entitled "An Act to require all convict-made goods sold within the State of Texas to be labeled; to prescribe the size and form of labels to be used; to prevent the removal of labels until after goods are sold to consumer; to prescribe the duties of the Commissioner of Labor Statistics; to provide penalties for the violation of this act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WEINERT, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State

Penitentiaries, to whom was referred

Senate bill No. 57, A bill to be entitled "An Act to permit all those who have been convicted of a felony and have served their term in the penitentiary, or been pardoned or parolled, to testify in all civil cases, and providing that when they testify the fact of their service in the penitentiary may be proven, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WEINERT, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

Senate bill No. 146, A bill to be entitled "An Act to amend Section 15 of Chapter 10 of an Act of the Fourth Extraordinary Session of the Thirty-first Legislature entitled 'An Act to establish a prison system and declaring the policy of the State with reference thereto,' etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WEINERT, Chairman.

(Floor Report.)

Austin, Texas, Jan. 31, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred House Concurrent Resolution No. 21, reading as follows:

"Whereas, Hon. C. N. Haskell, ex-Governor of the State of Oklahoma, has accepted an invitation to address the joint assembly of the Thirty-second Legislature on Monday, February 6th at 8 p. m., therefore be it

Resolved by the House, the Senate concurring, That a committee of three be appointed by the Speaker of the House to act with a like committee to be appointed by the President of the Senate to arrange for the reception of the distinguished visitor from Oklahoma."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Peeler, Real, Ratliff, Johnson, Kauffman, Warren, Greer, Murray.

Committee Room,
Austin, Texas, Jan. 31, 1911.
Hon. A. B. Davidson, President of the
Senate.

Sir: Your Committee on En-
grossed Bills have carefully examined
and compared

Committee Substitute for Senate
bills Nos. 10 and 86, A bill to be en-
titled "An Act to amend Article 21,
Title 4, of the Revised Civil Statutes
of Texas, and to amend an Act passed
by the Thirtieth Legislature creating
the Sixth Supreme Judicial District of
Texas, and to create the Seventh and
Eighth Supreme Judicial Districts of
Texas, and to provide for the organi-
zation of a Court of Civil Appeals
within the Seventh Supreme Judicial
District of Texas, and to provide for
the organization of a Court of Civil
Appeals within the Eighth Supreme
Judicial District of Texas, and re-
pealing all laws and parts of laws in
conflict therewith, and declaring an
emergency,"

And find the same correctly en-
grossed.

COFER, Chairman.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, Feb. 1, 1911.

The Senate met pursuant to ad-
journalment, and was called to order
by Lieutenant Governor Davidson.

Roll called, quorum being present,
the following Senators answering to
their names:

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.

Absent.

Real.

Prayer by the Chaplain.

Pending the reading of the Journal,
on motion the same was dispensed
with.

REGULAR ORDER.

See Appendix for petitions and
memorials and standing committee
reports.

HOUSE CONCURRENT RESOLU- TION NO. 22 REFERRED.

The Chair (Lieutenant Governor
Davidson) referred, after its caption
had been read, the following resolu-
tion:

House Concurrent Resolution No.
22, referred to Committee on Towns
and City Corporations.

SIMPLE RESOLUTION.

By Senator Meachum:

Be it Resolved by the Senate, That
an invitation to address the Senate
shall extend the privileges of the
floor to any person so invited for a
period of forty-eight hours there-
after, but not longer, and after the
expiration of forty-eight hours after
such invitation is extended, such
person so invited shall not be further
entitled to the privileges of the floor.

MEACHUM,
WATSON,
MAYFIELD.

The resolution was read and
adopted.

BILLS AND RESOLUTIONS.

By Senator Weinert:

Senate bill No. 167, A bill to be
entitled "An Act to amend Section
10, of Chapter 10, of the General
Laws of Texas as passed by the
Fourth Called Session of the Thirty-
first Legislature, entitled "An Act to
establish a prison system and declar-
ing the policy of the State with ref-
erence thereto; to provide for the
management and control of such
prison system; to provide for the
control, management and treatment
of all prisoners sentenced to the
penitentiary; to provide that pris-
oners and ex-prisoners, as herein de-
fined, shall be permitted to testify to
certain cases; to abolish the leasing
and hiring of State prisoners; to
provide rules and regulations for the
government of such prison system;
to provide for a Board of Prison
Commissioners; to provide for their
appointment and defining their pow-